

REMARKS

Claims 1-55 were pending and presented for examination. In an Office Action dated December 14, 2006 claims 1-55 were rejected. Applicants thank Examiner for examination of the claims pending in this application and address Examiner's comments below.

Applicants are canceling claims 2, 12, 29, and 39 and amending claims 1, 3, 13-15, 28, 30, 40-42, and 55 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seek to pursue protection for the subject matter presented in this submission.

In view of the Amendments herein and the Remarks that follow, Applicants respectfully request that Examiner reconsider all outstanding objections and rejections, and withdraw them.

Response to Rejection Under 35 USC § 112, Paragraph 2

In the 5th paragraph of the Office Action, Examiner has rejected claims 1, 28, and 55 under 35 USC § 112, ¶ 2 as allegedly not specifically pointing out and distinctly claiming the subject matter that the Applicants regard as the invention.

Applicants have amended claims 1, 28, and 55 to recite “indexing the event, *the indexing comprising extracting at least some of the event data*” and “creating a related event object related to the event *and based on at least a portion of the extracted event data*.” This

amendment clarifies that the indexing step results in data used when creating the related event object for the indexed event.

Response to Rejection Under 35 USC § 101

On page 5 of the Office Action, Examiner rejected claims 1, 5-15, 18-20, 22-28, 32-42, 45-47, and 49-54 because the limitation of “indexing the event” allegedly does not relate to other limitations of the claim and because of an alleged lack of a tangible result. The former issue was addressed above in relation to § 112. As to the latter issue, independent claims 1 and 28 have been amended to recite “storing at least a portion of the extracted event data, the related event object, and the second level related event object,” the storing going beyond mere computation and constituting a tangible result. Further note that such storing was previously recited by claim 2, which was not rejected under § 101. Thus, Applicants respectfully submit that amended claims 1 and 28 and their dependent claims 5-15, 18-20, 22-27, 32-42, 45-47, and 49-54 comply with § 101.

Examiner additionally rejected independent claim 28 and its dependent claims 29-54 because the term “computer readable medium” could be interpreted in light of the specification to include a medium transmitting or carrying instructions. Applicants have amended independent claim 28 to recite “A *tangible* computer-readable medium containing program code.” This language limits the claim to tangible media, and therefore Applicants respectfully submit that amended claim 28 and its dependent claims 29-54 comply with § 101.

Response to Rejection Under 35 USC 102(e) in View of Vleet

In the 7th paragraph of the Office Action, Examiner rejected claims 1-8, 11-14, 16-22, 28-35, 38-41, 43-49 and 55 under 35 USC § 102(e) as allegedly being anticipated by Vleet (U.S. 2005/0033803). This rejection is traversed.

Independent claims 1, 28, and 55 have been amended to now recite, in part, “creating a second level related event object comprising the related event object and a set of one or more other related event objects.” Second level event objects were previously recited by claim 12 and associate related events objects, which in turn associate events. (Specification paragraphs 0037, 0006) Thus, the claimed invention beneficially provides the ability to identify an additional level of event relationships, such as not only identifying the relationship of events associated with a single web page, but additionally identifying the relationship of events occurring across each web page of a web site. (Specification paragraph 0040) This extra information allows more efficient and precise retrieval and analysis of event information.

In contrast, Vleet, which focuses on storing individual events and allowing later querying of those individual events, fails to disclose tracking event relationships via second level events objects. In particular, Vleet paragraph 0028, previously cited against former claim 12, merely shows retrieving event objects for the last 50 queries or the last 50 browse nodes; it fails to disclose second level event objects associating first level event objects, which in turn associate events. Thus, Vleet fails to anticipate claims 1, 28, and 55.

Claims 2-8, 11-14, 16-22, 29-35, 38-41, and 43-49 depend from claims 1 and 28 and recite additional features and limitations. Thus, they are patentably distinguishable over Vleet for at least the same reasons set forth above.

Response to Rejection Under 35 USC 103(a) in View of

Vleet, Belfiore, Hrabik, and Maxham

In the 8th paragraph of the Office Action, Examiner rejects claims 9-10, 15, 36-37, and 42 under 35 USC § 103(a) as allegedly being unpatentable over Vleet in view of Belfiore (U.S. 2002/0059425). Examiner additionally rejects claims 23-25 and 50-52 over Vleet in view of Hrabik (US 2002/0178383), and claims 26-27 and 53-54 over Vleet in view of Hrabik and Maxham (US 2004/0187075). These rejections are respectfully traversed.

Belfiore involves a federation of interacting servers, where the meaning of the communicated data is implied by a data schema. Paragraph 0142 discloses an event composition service that allows receiving related events, but this is merely a form of filtering or querying and fails to disclose related event objects, much less second level related event objects. Similarly, paragraphs 0146-0147 merely mention an events component capable of distributed eventing, and 0267 merely states that a notification can be delivered from an event object. None of these paragraphs disclose the second level related event objects of the claims as amended.

Additionally, Applicants disagree with the Examiner's characterization of the limitations of claims 9-10, 15, 36-37, and 42 as constituting nonfunctional descriptive

material. The claims recite characteristics of the articles and objects referenced in their respective base claims and must be given full patentable weight, just as if the dependent claims were rewritten in independent form. The portions of the MPEP § 2106 and the cases cited therein and relied upon by Examiner are directed to printed matter rejections and are not directly applicable to the claims of the instant application.

Hrabik involves verifying the integrity of devices on a network. Hrabik paragraph 0056 states that events may be consolidated, but again, this is merely a form of event filtering, and fails to disclose the second level event object of the claims as amended.

Finally, Maxham involves a document management system employing clustering. Maxham paragraph 0036 discloses the elimination of duplicate documents but states nothing about events, much less second level event objects.

Therefore, a person of ordinary skill in the art considering the teachings of these references, either alone or in combination, would not find the invention of claims 1, 28, or 55 obvious. Additionally, claims 9-10, 15, 23-27, 36-37, 42, and 50-54 depend, either directly or indirectly, from claims 1 and 28 and recite other patentable features which further distinguish them from the prior art of record. Applicant thus submits that these dependent claims are patentable over the art of record by reason of their dependency, in addition to the further patentable limitations recited therein.

Based on the above amendment and the remarks, Applicants respectfully submit that for at least these reasons claims 1, 3-11, 13-28, 30-38, and 40-55 are patentably distinguishable over the cited references. Therefore, Applicants respectfully request that Examiner reconsider the rejection, and withdraw it.

Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully Submitted,
STEPHEN R. LAWRENCE AND OMAR
HABIB KHAN

Date: March 14, 2006 By: /Brian Hoffman/

Brian M. Hoffman, Attorney of Record
Registration No. 39,713
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7607
Fax: (650) 938-5200